

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Mei L. Wang, Michael Y. J. Wang, Chun Fang Wang,

Plaintiffs,

v.

CYR International, Inc., Chew Young Roo America, Inc.,  
CYR USA, Inc., Chew Young Roo, Inc., Chew Young Roo,  
Chew Young Roo, Eun Chan Lim,

Defendants.

Civil Action No.:

07 CV 05462 (BSJ)

**AFFIDAVIT OF MICHAEL  
Y. J. WANG**

Michael Y. J. Wang, being duly sworn, deposes and says:

1. I am fully aware of the facts and circumstances of the above captioned lawsuit and am submitting this Affidavit in support of our request for a default judgment against the Defendants.
2. I am the General Manager/Co-owner of Abacus Chinese Restaurant, Inc. d/b/a Chu Ying Chinese Restaurant operating under the trademark/tradename CHU YING LO – a Chinese and Korean-Chinese restaurant serving customers in the New York tri-state area located at 67-21 Woodside Avenue, Ground Floor, Woodside, NY 11377-5063.
3. CHU YING LO has been in the business of serving, dining, catering, take-out Chinese and Korean-Chinese food for almost twenty-one (21) years.
4. I registered a trademark with the United States Patent and Trademark Office for the mark CHU YING LO which has been accorded the registration number 3224337.

5. Because the recognized high quality of my restaurant's food as well as the extensive marketing and promotional efforts, my restaurant and the associated CHU YING LO trademark is famous and well-known among customers for Chinese and Korean-Chinese dining and catering including the Korean customers in the New York tri-state area.

6. Various customers came to our restaurant to praise us for opening a restaurant in Upper Darby, Pennsylvania. We've received close to ten congratulatory remarks from April 2006 through June 2006.

7. Various customers came to our restaurant to praise us for opening a restaurant in Fort Lee, NJ. We've received at least one congratulatory remark each day from September 2006 through January 2007, at least ten congratulatory remarks each week from February 2007 through June 2007, and at least two congratulatory remarks each week from July 2007 to the present.

8. Various customers came to our restaurant to praise us for opening a restaurant in Closter, NJ. We've received at least one congratulatory remark each day from January 2007 through June 2007, and at least two congratulatory remarks each week from July 2007 to the present.

9. Defendants' "CHEW YOUNG ROO" name for their New Jersey and Pennsylvania restaurants is the English phonetic for "CHU YING LO" when pronounced in Korean (Hangul) and is well recognized by my customers and is one and the same name and mark as my restaurant name and trademark CHU YING LO.

10. The New Jersey and Pennsylvania restaurants have all conducted extensive advertisements in the major/popular Korean media outlets, including Korean daily

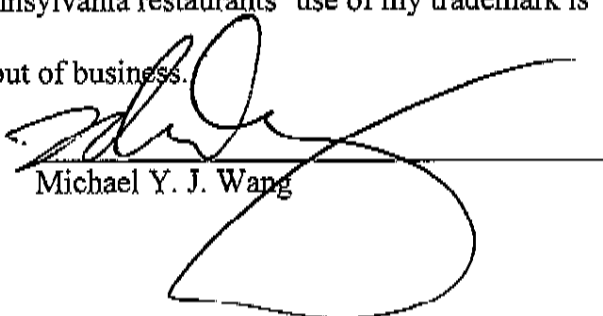
newspaper(s), Korean radio, and Korean TV, all of which are widely circulated/broadcasted throughout the New York tri-state area. The New Jersey restaurants, since their respective grand openings, have been increasing the intensity of their marketing/advertising campaign utilizing the major Korean media detailed herein, especially via Korean Radio and Korean TV. Recently, the New Jersey restaurants have intensified their marketing/advertising campaign even further by placing/running commercials on Korean radio and Korean TV on a daily basis.

11. Numerous customers/patrons of my restaurant have called/visited my restaurant expressing confusion about the relationship/affiliation between my restaurant and the CHEW YOUNG ROO restaurants in New Jersey and Pennsylvania (See Appendix A).

12. Since the opening of the Defendants' CHEW YOUNG ROO New Jersey and Pennsylvania restaurants, the total monthly sales (approximately \$55,000 per month at norm) has dropped a total of about 60% which is equivalent to minus \$33,000 of total monthly sales.

13. Over the past sixty (60) days, the bulk of the 60% total monthly sales drop occurred, with sales plummeting 38% which is equivalent to minus \$20,900 of total monthly sales.

14. If Defendants' New Jersey and Pennsylvania restaurants' use of my trademark is not immediately stopped, I will likely go out of business.

  
Michael Y. J. Wang

Sworn to before me this  
22 day of October 22, 2007

  
Notary Public

ARMINE S. SARKISIAN  
Notary Public, State Of New York  
No. 01SA0127262  
Qualified in Queens County  
Commission Expires May 23, 2009